

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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| CANTOR FITZGERALD & CO., <i>et al.</i> , |) | MDL No. 03-MD-1570 (RCC) |
| |) | |
| Plaintiffs |) | |
| |) | |
| v. |) | No. 04-CV-07065 (RCC) |
| |) | |
| |) | |
| AKIDA BANK PRIVATE LTD., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

PLEASE TAKE NOTICE, that based on a failure to state a claim, a lack of subject-matter jurisdiction, and the doctrine of issue preclusion the undersigned will move the Court, before the Honorable Richard C. Casey, U.S.D.J., at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at [[a date and time to be determined by the Court, for an order granting Defendant's, Dallah Al Baraka Group, LLC ("Dallah"), Motion to Dismiss the First Amended Complaint.

As detailed in the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss, Plaintiffs have alleged claims that are identical to those already dismissed "in their entirety" by this Court in its January 18, 2005 Order and Opinion. As well, the claims Plaintiffs have alleged herein against Defendant Dallah are identical to those alleged herein against Defendants Saleh Kamel ("Kamel") and Al Baraka Investment and Development Corporation ("ABIDC"). Defendants Kamel and ABIDC have already filed lengthy motions to dismiss on the allegations raised in this matter, and therefore, to avoid burdening the court with identical and lengthy motions on the same issues, Defendant Dallah simply refers to said memorandum of law.

WHEREFORE, Defendant Dallah respectfully requests that the Court grant its Motion to Dismiss.

Respectfully submitted,

Dated: Washington, DC
June 9, 2005

MARTIN MCMAHON & ASSOCIATES

By: /s/
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